

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDREW LEONARD et al.,

Plaintiff(s),

v.

MCMENAMINS INC,

Defendant(s).

CASE NO. C22-0094-KKE

ORDER DEFERRING RULING ON
MOTION FOR BILL OF COSTS

After the Court granted Defendant's motion for summary judgment and dismissed this case with prejudice (Dkt. No. 117), Defendant filed a motion for bill of costs (Dkt. No. 119). Plaintiffs later filed a notice of appeal of the Court's order granting summary judgment. Dkt. No. 121.

Plaintiffs then filed an untimely opposition to Defendant's motion for bill of costs, along with a motion for leave to file the late opposition, disputing some of the cost items and requesting that the Court defer ruling on the cost bill while the appeal is pending. Dkt. Nos. 123, 124. Defendant does not strongly oppose Plaintiffs' request for relief from deadline, but does oppose deferring ruling on the cost bill. According to Defendant, it should not have to wait an "indefinite period" of time for the appeal to be resolved before it can recover its modest costs. Dkt. No. 125.

Although the Court granted Defendant's motion for summary judgment, the Ninth Circuit now has an opportunity to determine whether Defendant should indeed prevail and therefore recover its costs. Because a forthcoming ruling from the Ninth Circuit could moot Defendant's

1 motion for a bill of costs, the Court finds that deferring ruling on that motion until after the appeal
2 is resolved would promote judicial economy. *See, e.g., Rodman v. Ethicon, Inc.*, No. C20-6091
3 BHS, 2021 WL 4902484, at *1 (W.D. Wash. Sept. 2, 2021); *Lasic v. Moreno*, No. 2:05-cv-0161-
4 MCE-DAD, 2007 WL 4180655, at *1 (E.D. Cal. Nov. 21, 2007).

5 The Court therefore GRANTS Plaintiffs' motion for relief from deadline (Dkt. No. 123)
6 and DEFERS RULING on Defendant's motion for bill of costs (Dkt. No. 119), pending appeal.
7 The parties shall submit a joint status report within 14 days of the resolution of the appeal.

8 Dated this 28th day of October, 2024.

9 

10 _____
11 Kimberly K. Evanson
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24